

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEAN J. STURDIVANT,

Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/14/2023

1:22-cv-10539-MKV

**ORDER OF DISMISSAL**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Sean J. Sturdivant, proceeding *pro se*, initiated this action by filing a complaint on December 8, 2022. [ECF No. 2.] On January 31, 2023, this Court entered an Order of Service, directing the City to ascertain the identity and badge number of each of the John Doe defendants whom the *pro se* Plaintiff sought to sue and to provide addresses where the defendants may be served, pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997). [ECF No. 7.]

To facilitate that identification, on April 3, 2023, the Court entered an Order directing the Plaintiff to respond to the City's limited interrogatories on or before June 1, 2023. [ECF No. 11.] Plaintiff did not provide answers to the interrogatories or otherwise respond. [ECF No. 14.] After receiving no response, the City informed the Court that "[u]pon information and belief, plaintiff was released on parole from Queensboro Correctional Facility on May 9, 2023," but the City "is not in possession of any last known address or phone number for plaintiff." [ECF No. 14.]

Accordingly, the Court entered an Order to Show Cause, directing Plaintiff to file a letter on or before June 30, 2023, showing cause "why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure" and warning Plaintiff that "**he is ultimately responsible for prosecuting his case, and failure to comply with this Order and to prosecute**

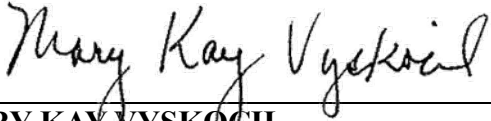
**his case will result in dismissal of this action.”** [ECF No. 15.] No letter was filed. Instead, the Order to Show Cause was returned to this Court as undeliverable.

At the start of this litigation, the Court informed the Plaintiff that “[i]f [his] contact information changes, it is [his] responsibility to notify the court in writing.” [ECF No. 9 (emphasis added).] Plaintiff has not updated his address, complied with Orders of this Court, or taken any other action to prosecute this case. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is dismissed for failure to prosecute, without prejudice, and without costs to any party. *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)); *see also Anderson v. Annucci*, No. 17-CV-07973 (VSB), 2020 WL 1082393, at \*2 (S.D.N.Y. Mar. 6, 2020) (dismissing *pro se* plaintiff’s complaint for failure to prosecute after plaintiff failed to update his address on the docket).

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record and to close this case.

**SO ORDERED.**

**Dated: July 14, 2023**  
**New York, New York**

  
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**MARY KAY VYSKOČIL**  
**United States District Judge**